FILED

FEB 23 2017

U.S. DISTRICT COURT
EASTERN DISTRICT OF MO
ST. LOUIS

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

UNITED STATES OF AMERICA,	)	
Plaintiff,	)	
	)	
v.	)	Case No. S1-4:16-cr-00466 JAR (SPM)
	)	
MICHAEL McNEILL, et al.	)	
	)	**FILED UNDER SEAL**
Defendants.	)	

EX PARTE APPLICATION OF THE UNITED STATES FOR PROTECTIVE ORDER RESTRAINING PROPERTY IDENTIFIED IN INDICTMENT

COMES NOW Plaintiff the United States of America, by and through its attorneys, Richard G. Callahan, United States Attorney for the Eastern District of Missouri, and Richard E. Finneran, Assistant United States Attorney for said district, and for its *Ex Parte* Application for Protective Order states as follows:

1. On February 22, 2017, a Grand Jury for the Eastern District of Missouri returned a Superseding Indictment against defendant Michel McNeill and others alleging charges of mail fraud, bank, fraud, wire fraud, unlawful monetary transactions, and conspiracies to commit these offenses, in violation of Title 18, United States Code, Sections 1341, 1343, 1344, 1349, 1956, and 1957.

2. Pursuant to the forfeiture allegation included in the Indictment, the Grand Jury has found probable cause to believe that the following assets are subject to forfeiture in connection with the aforementioned offenses (together, the "Subject Property"):

(1) approximately $229,037.00 in gold and silver purchased from CMI Gold and Silver from accounts of RLR Enterprises between about February 24, 2014 and March 27, 2014 and any property traceable thereto;

(2) approximately $409,210.00 in gold and silver purchased from CMI Gold and Silver from accounts of Financial Lead Brokers between about April 16, 2014 and April 28, 2014 and any property traceable thereto;

(3) approximately $120,600.00 in gold and silver purchased from CMI Gold and Silver from an account of Secured Drop on or about May 19, 2014 and any property traceable thereto;

(4) approximately $131,840.00 in gold and silver purchased from CMI Gold and Silver from an account of MCV Lead Holdings on or about January 13, 2015 and any property traceable thereto; and

(5) approximately $848,768.09 in gold and silver purchased from CMI Gold and Silver from an account of Alpha Lead Holdings between about March 26, 2015 and June 3, 2015 and any property traceable thereto.[1]

3. The United States seeks a protective order restraining all of the Defendants in the instant action, and all other persons having custody or control over the Subject Property, from transferring, selling, assigning, pledging, distributing, giving away, encumbering, destroying, or damaging the Subject Property, or otherwise participating in the disposal, or removal from the jurisdiction of this Court, of the Subject Property, during the pendency of the instant case.

4. Title 21, United States Code, Section 983(e)(1) provides that, "[u]pon application of the United States, the court may enter a restraining order . . . or take any other action to secure, maintain, or preserve the availability" of property subject to forfeiture "upon the filing of an indictment . . . alleging that the property with respect to which the order is sought would, in the event of conviction, be subject to forfeiture."

[1] There are numerous other items contained in the forfeiture allegation, but since those items are currently subject to a forfeiture action in the state courts of Arizona, the United States does not presently believe that a restraining order is necessary to preserve the availability of such property for forfeiture.

5. Section 853(e)(1)(a) does not require that the Court hold any hearing before issuing a protective order, which may be entered *ex parte*.

6. The protective order applied for herein is sought for the sole purpose of preserving the *status quo* during the pendency of the criminal case.

7. A memorandum of law supporting this Motion and proposed Order are filed herewith.

WHEREFORE the United States prays that the Court issue a protective order restraining all of the Defendants, and all other persons having custody or control over the Subject Property, from transferring, selling, assigning, pledging, distributing, giving away, encumbering, destroying, or damaging the Subject Property, or otherwise participating in the disposal, or removal from the jurisdiction of this Court, of the Subject Property during the pendency of the criminal case, and for such other and further relief as the court deems just and proper.

Dated: February 23, 2017

Respectfully submitted,

RICHARD G. CALLAHAN
United States Attorney

/s/ Richard E. Finneran
RICHARD E. FINNERAN, #60768
Assistant United States Attorney
111 South 10th Street, Suite 20.333
Saint Louis, Missouri 63102
Telephone: (314) 539-2200
Facsimile: (314) 539-2287
richard.finneran@usdoj.gov